

Remarks

The Official Action dated August 17, 2005 has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested.

Claims 1-29 have been examined in the present application. Claims 34-63 and 69-79, which were indicated in the restriction requirement as being in Groups II-V, have been canceled without prejudice or admission. Claims 30-33 and 64-68 which were in Group I of the restriction requirement but were subject to an election of species requirement if no generic claim is found allowable, have been withdrawn from consideration but remain pending. Claim 1 has been amended. It is believed that the changes do not involve any introduction of new matter, and entry is believed to be in order and is respectfully requested.

Claim Objections

Claim 1 was objected to because of the word "sidewell" in line 8. The claim has been amended to change the word to "sidewall." Accordingly, reconsideration of the objection is requested.

Claim Rejections

Claims 1-7 and 15-19 were rejected under the argument they are anticipated by the Howell reference (US 2,004,203); claims 1-8, 13-19, 21, and 26-29 were rejected under the argument that they are anticipated by the Garrison reference (US 6,024,140); and claims 1-8, 13-19, 21, and 26-29 were rejected under the argument they are anticipated by the Butterfield reference (US 5,549,132).

Applicants respectfully traverse the rejections. In order to anticipate a claim, a reference must teach each and every element of the claim. MPEP § 2131. In particular, "Under 35 U.S.C. § 102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim." Gechter v. Davidson, 116 F.3d 1454, 1457, 43 USPQ2d 1030, 1032 (Fed. Cir. 1997). The cited references do not disclose each and every element of the independent

claims, in contrast to the assertion in the Office Action. For example, with respect to independent claim 1, none of the cited references discloses a substantially straight liquid flow path that is at least partially defined by the first sidewall portion and which then extends through the transition location without the transition location changing the substantially straight liquid flow path. The present application (pages 34-35), with reference to FIG. 6, describes one embodiment of such an arrangement:

At least one internal sidewall 304 includes a first sidewall portion 304a with a first cross-sectional dimension and a second sidewall portion 304b with a second cross-sectional dimension that is smaller than the first cross-sectional dimension. Still further, the internal sidewall 304 includes a transition location 305 between the first sidewall portion 304a and the second sidewall portion 304b wherein the transition location provides for the change in cross-sectional dimensions between the first sidewall portion and the second sidewall portion. *As shown in FIG. 6, the first sidewall portion 304a includes a length (also indicated with reference number 304a in FIG. 6) at least partially defining a substantially straight liquid flow path 317. As further shown, the substantially straight liquid flow path 317 extends through the transition location without the transition location changing the substantially straight liquid flow path.* As shown the transition location can include a third sidewall portion 304c that further defines the substantially straight liquid flow path. In this case, the transition location has a length along 305a that is substantially straight relative to the angled upper portions 305b of the transition location. Therefore, the upper portions 305b provide an angular relationship that provides for the change in cross-sectional dimensions between the first sidewall portion 304a and the second sidewall portion 304b. As further illustrated, the transition location 305 may have successive cross sections along the substantially straight liquid flow path that define a plurality of substantially circular cross-sectional shapes defining a plurality of successively smaller diameters. (emphasis added)

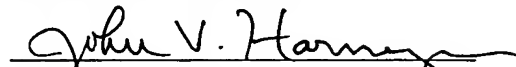
Thus, as shown in the example of FIG. 6, the straight portion extends along the first sidewall portion but also continues through the transition. This is not the case with respect to the cited references. While these references may show tapered portions, such portions do not have the substantially straight fluid flow path that extends along the first sidewall portion through the tapered portion without the tapered portion changing that path. Rather, the tapered portions in these references appear to modify all paths from one section to the next and there does not appear to be any part of these tapered portions which maintains a substantially straight flow path from the previous nozzle section.

With respect to independent claim 15, Applicants found no teaching in the cited references of an internal sidewall adapted to substantially prevent pooling of liquid being dispensed from the nozzle, for example. Applicants did not find pooling discussed in the references at all, and the Office Action does not appear to mention pooling being disclosed by these references.

With respect to the third independent claim, claim 28, Applicants did not find the cited references to disclose, for example, a transition portion with a internal liquid flow path that is "asymmetrically tapered" and having a lower inside surface that is "flattened relative to an opposed upper inside surface of the transition portion so that, when the spout is in a dispensing orientation, the lowest point in any cross-sectional portion of the flow path through the transition portion is not at a substantially higher elevation than a line connecting the lowest points of the flow path at the respective upstream portions of the first end and the transition portion." The Office Action does not appear to discuss this claim element, and Applicants did not find the cited references to show such a configuration.

Accordingly, for at least the above reasons, it is respectfully submitted that the independent claims are distinct from the cited references, and it is also submitted that the dependent claims are distinct for at least these reasons. Accordingly, it is respectfully requested that the rejections be reconsidered and withdrawn. It is believed that the above represents a complete response to the rejections and that the present application is in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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